

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 20, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Order Extending Time for the Board's Written Opinion** for 30-days is required in the following case:

- (a) **A-5664, Petition of Adam and Amy Reyer** (an existing screened porch). Decision at worksession held 1/9/02.
- (b) **A-5682, Petition of Charles D. Hanson** (a one-story addition and a covered porch). Decision at worksession held 1/9/02.

Action: Grant Order Extending Time, (DLB/LLM, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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ACTION CALENDAR:

1. **Minutes**, February 6 and 13, 2002 Worksession.

Action: Approved, (AMC/AIF, 5-0).

2. **A-5689 [S-382-D], Petition of BP Amoco Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, withdrawing the variance request.

Action: Dismissed variance request as withdrawn, (LLM/AMC, 5-0).

3. **CBA-645, Petition of Dr. Bahman Teimourian** (medical practitioner's office). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

4. **CBA-842-A [CBA-842], Petition of Laslo N. Tauber** (commercial recreational or entertainment establishments). Letter to the Board from Desha D. Ditman, neighbor, regarding the special exception use.

Action: (1) Special exception modification request has been withdrawn; (2) Board to request DPS inspection of the special exception property, (DLB/LLM, 5-0).

5. **CBA-1201 [CBA-1201-A], Petition of Good Hope Garden, Inc.** (retail horticultural nursery). Letter to the Board from C. Robert Dalrymple, Esquire, and Anne C. Martin, Esquire, requesting a continuance.

Action: (1) Granted continuance request; (2) public hearing to be schedule at the earliest possible date, (LLM/AMC, 5-0).

6. **CBA-2183, Petition of Lawrence A. Funt** (non-resident dental office). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board of the zone change and that the special exception is now a permitted use.

Action: Revoked special exception as now a permitted use in the zone, (LLM/AIF, 5-0).

7. **CBA-2876, Petition of Great Hope, Inc.** (community development project). Letter to the Board from William J. Chen, Jr., Esquire, requesting an administrative modification. (Large exhibit: As-built site plan).

Action: (1) Granted administrative modification request; (2) Board to request DPS review of the special exception regarding the site parking and the site's handicap spaces, (AIF/AMC, 5-0).

8. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan).

Action: (1) Item deferred; (2) Board to request review of the landscape/lighting plan and the parking plan by M-NCPPC, (LLM/DLB, 5-0).

9. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use.

Action: Board requests DPS inspection of the special exception property, (DLB/AIF, 5-0).

10. **S-858-A, Petition of Surjeet K. Singh** (child day care center). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification.

Action: (1) Granted administrative modification request; (2) Board Resolution to include the staggered hours of the five (5) additional employees, (AIF/AMC, 5-0).

11. **S-1177, Petition of John Choporis** (accessory apartment). Memorandum to the Board from Robert Dejter, Housing Code Field Supervisor, Department of Housing and Community Affairs (DHCA) notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

12. **S-1357, Petition of Larry V. Butterfield** (major home occupation). Memorandum to the Board from Frank DeLange, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

13. **S-1386, Petition of Placemakers, Inc.** (housing for the elderly and handicapped). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

14. **S-2073, Petition of Taco Bell** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception holder is in full compliance with the terms of the special exception and rescinding the Show Cause Hearing request.

Action: Dismissed Show Cause Hearing, (AIF/DLB, 5-0).

15. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception.

Action: Item deferred for additional information, consensus.

16. **S-2389 [S-24-B], Petition of AT&T Wireless Service, Inc.** (telecommunications facility). Letter to the Board from James R. Michal, Esquire, requesting an administrative modification.

Action: Item deferred for additional information, consensus.

17. **S-2490, Petition of Colonial Landscape & Design, Inc.** (landscape contractor). Letter to the Board from Martin Klauber, Esquire, People's Counsel, requesting a continuance.

Action: Granted continuance request, (DLB/LLM, 5-0).

18. **S-2505, Petition of KFC of America, Inc.** (drive-in restaurant). Letter to the Board from Emily J. Vaias, Esquire, requesting an additional day for the scheduled public hearing.

Action: Board to schedule an additional hearing date, (LLM/DLB, 5-0).

DECISION:

19. **S-2184, Petition of Charles R. Gilbert** (indoor rifle shooting range). Show Cause Hearing held 2/6/02.

Action: (1) Record re-opened to receive sign permit; (2) item to return to the Worksession 4/30/02 to review the landscape and light plan.

20. **S-2484, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (assisted living group home). Hearing Examiner's Report and Recommendation.

Action: Hearing Examiner's Report and Recommendation adopted as amended (1) open area shown on Exhibit No. 29 to be used by the residents as a garden (2) photometric plan amended to include lighting specifications; (3) record to be supplemented with information petitioner previously supplied to M-NCPPC; (4) Exhibit No. 38 added to the record (attached to Exhibit No. 10), (DLB/LLM, 5-0).

PENDING ITEMS:

21. **A-5575, Petition of Mark Coletta** (accessory structure/pole barn). Hearing held 5/9/01. Item deferred until 2/27/02.

22. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

PENDING ITEMS (continued):

23. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
24. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
25. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
26. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

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